

1 NICHOLAS M. WIECZOREK,  
Nevada Bar No. 6170  
2 Email: [nwieczorek@clarkhill.com](mailto:nwieczorek@clarkhill.com)  
JEREMY J. THOMPSON,  
3 Nevada Bar No. 12305  
4 Email: [jthompson@clarkhill.com](mailto:jthompson@clarkhill.com)  
COLLEEN E. McCARTY,  
5 Nevada Bar No. 13186  
6 Email: [cmccarty@clarkhill.com](mailto:cmccarty@clarkhill.com)  
**CLARK HILL PLLC**  
3800 Howard Hughes Parkway, Suite 500  
7 Las Vegas, Nevada 89169  
Telephone: (702) 862-8300  
8 Facsimile: (702) 862-8400  
Attorneys for Defendant/Cross-claimant/  
9 Third-Party Plaintiff, Charles H. Thornton, Ph.D., P.E.

10  
11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 DONALD L. BLACKWELDER, an individual,  
and derivatively on behalf of THORNTON-  
14 TERMOHLEM GROUP CORPORATION, a  
Nevada corporation, DOES I through X, and  
15 ROE CORPORATIONS I through X,

16 Plaintiffs,

17 v.

18 CHARLES THORNTON, individually; BRIAN  
HOWELLS, individually; and AECOS, LTD., a  
19 Nevada corporation,

20 Defendants.

21 CHARLES H. THORNTON, Ph.D., P.E., an  
individual,

22 Crossclaimant,

23 v.

24 BRIAN HOWELLS, individually; AECOS,  
25 LTD., a Nevada corporation, DOES 1 through  
10, and ROES 1 – 10, inclusive,

26 Crossdefendants.  
27  
28

Case No.: 2:15-cv-02373-JAD-PAL

**DEFENDANT/CROSS  
CLAIMANT/THIRD-PARTY  
PLAINTIFF CHARLES H.  
THORNTON'S STATUS REPORT**

1 CHARLES H. THORNTON, Ph.D., P.E., an  
2 individual,

3 Third-Party Plaintiff,

4 v.

5 LEONARD NEUHAUS, individually, DOES 1  
6 through 10, inclusive,

7 Third-Party Defendants.

8 Defendant/Cross-Claimant/Third-Party Plaintiff Charles H. Thornton, Ph.D., P.E, by and  
9 through his counsel or record, Nicholas M. Wieczorek, Esq., Jeremy J. Thompson, Esq. and  
10 Colleen E. McCarty, Esq. of the law firm of Clark Hill PLLC, hereby submits the following  
11 individual status report ("Status Report") to the court. This report has been reviewed by counsel  
12 for Plaintiff who concurs with its content.

13 DATED this 7 day of August, 2018.

14 CLARK HILL PLLC

15 By: 

16 NICHOLAS M. WIECZOREK

17 Nevada Bar No. 6170

18 JEREMY J. THOMPSON

19 Nevada Bar No. 12503

20 COLLEN E. McCARTY

21 Nevada Bar No. 13186

22 3800 Howard Hughes Parkway, Suite 500

23 Las Vegas, Nevada 89169

24 Attorneys for Defendant/CrossClaimant/Third-  
25 Party Plaintiff Charles H. Thornton, Ph.D., P.E.

26 **THE MATTER IS STILL NOT GLOBALLY RESOLVED.**

27 Pursuant to its order dated July 19, 2018 ("DOC 81"), the Court gave the parties up  
28 through July 27, 2018 to file a Stipulation for Dismissal with Prejudice of the action. The issues  
as between Plaintiff Donald Blackwelder and Defendant Charles Thornton have, for a period of  
several months, been settled and concluded. As indicated in counsel's prior status report to the  
court dated July 17, 2018 ("DOC 79"), Mr. Thornton has transferred consideration for the

1 settlement between himself and Plaintiff Donald Blackwelder, provided compliance with other  
2 terms of the settlement agreement, and has been awaiting receipt of a Stipulation for Dismissal of  
3 the action as to him.

4 However, claims as between Mr. Blackwelder, Mr. Thornton and Co-Defendants AECOS,  
5 Limited, and Brian Howells have not been concluded.

6 Although Mr. Thornton filed a Cross-Claim against Mr. Howells and AECOS in tandem  
7 with answering the complaint on March 8, 2016 ("DOC 15"), Mr. Thornton no longer intends to  
8 litigate those claims against Mr. Howells and AECOS in this Nevada action. Accordingly, the  
9 Thornton Cross-Claim and Third Party Action will be dismissed with respect to this case.

10 As counsel reported in his July 17, 2018 status report, the difficulty with respect to global  
11 dismissal of this action rests with the delay experienced in the New Jersey Superior Court action.  
12 New Jersey counsel has now advised that orders on pending motions to approve the settlement of  
13 this action with the receiver for AECOS will not issue prior to August 10, 2018. Charles Thornton  
14 hereby respectfully requests that the Court modify its order contained within ("DOC 81"), and  
15 extend the time within which the parties must file a Stipulation for Dismissal of the action with  
16 Prejudice up through and including August 31, 2018 to allow full resolution of all matters  
17 pertaining to this case.

18 DATED this 7 day of August, 2018.

19 CLARK HILL PLLC

20 By: 

21 NICHOLAS M. WIECZOREK

22 Nevada Bar No. 6170

23 JEREMY J. THOMPSON

24 Nevada Bar No. 12503

25 COLLEN E. McCARTY

26 Nevada Bar No. 13186

27 3800 Howard Hughes Parkway, Suite 500

28 Las Vegas, Nevada 89169

Attorneys for Defendant/CrossClaimant/Third-  
Party Plaintiff Charles H. Thornton, Ph.D., P.E.

22 **IT IS SO ORDERED** this 22nd day  
23 of August, 2018.

24 

25 Peggy A. Leen

26 United States Magistrate Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Clark Hill PLLC, and that on this 7<sup>th</sup> day of August, 2018 I served a true and correct copy of the foregoing **DEFENDANT/CROSS-CLAIMANT/THIRD-PARTY PLAINTIFF CHARLES H. THORNTON'S STATUS REPORT** via U.S. Mail, postage prepaid, upon counsel identified below at their last known address also indicated below:

**LAW OFFICE OF STEVEN J. PARSONS**

Steven J. Parsons  
Nevada Bar No. 363  
Joseph N. Mott  
Nevada Bar No. 12455  
Scott E. Lundy  
Nevada Bar No. 14235  
10091 Park Run Drive, Suite 200  
Las Vegas, Nevada 89145-8868  
Telephone: (702) 384-9900  
Facsimile: (702) 384-5900  
Email: Steve@SJPlawyer.com  
Jmott@SJPlawyer.com  
Scott@SJPlawyer.com

Attorneys for Plaintiff Donald L. Blackwelder,  
and Thornton-Termohlen Group Corporation

**KIRTON / McKONKIE**

David M. Wahlquist  
Utah Bar No. 3349  
Adam D. Wahlquist  
Utah Bar No. 12269  
2600 W. Executive Parkway, Suite 400  
Lehi, Utah 84043-3987  
Telephone: (801) 426 2100  
Facsimile: (801) 426-2101  
Email: dwahlquist@kmclaw.com  
awahlquist@kmclaw.com  
Attorneys for Plaintiff Donald L. Blackwelder,  
and Thornton-Termohlen Group Corporation

**ALBRIGHT, STODDARD, WARNICK &  
ALBRIGHT**

D. Chris Albright, Esq.  
801 South Rancho Drive, Suite D-4  
Las Vegas, NV 89106  
Attorney for Defendants/Crossdefendants/  
Crossclaimants Brian Howells and AECOS,  
Ltd.



An Employee of Clark Hill PLLC